



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Adress: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,525	10/23/2003	Masahiro Kamiya	117605	6376
25944	7590	05/21/2009	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EKPO, NNEINNA NGOZI	
ART UNIT	PAPER NUMBER			
			2425	
MAIL DATE		DELIVERY MODE		
05/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Advisory Action  
Before the Filing of an Appeal Brief***

<b>Application No.</b>	<b>Applicant(s)</b>	
10/690,525	KAMIYA, MASAHIRO	
<b>Examiner</b>	<b>Art Unit</b>	
Nnenna N. Ekpo	2425	

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 30 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-13

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
 See Continuation Sheet

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_

/Brian T. Pendleton/  
 Supervisory Patent Examiner, Art Unit 2425

Continuation of 11. does NOT place the application in condition for allowance because: Applicant mostly argues that the prior art made of record, Inoue (U.S. Publication No. 2001/0042247) fails to specifically disclose "the scroll control unit changes a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display is scrolled" (see pages 2+ of Applicant's Remarks). In responds to Applicant's argument, Examiner disagrees. Examiner still believes claim is broad and still reads on the Inoue reference. The whole cursor display, 65 corresponds to 5 channels in the channel axis direction and 3 hours in the time axis direction. The whole cursor display 65, is moved in the up-down direction and in the left-right direction within the program guide (i.e. the whole cursor display, 65 which corresponds to 5 channels and 3 hours which is equivalent to part of a TV guide or an actual display area is moved from one position/location (fig. 6, 65) to another position/location (fig. 6, 66). User can press the key, 43 to move the EPG data or whole cursor display, 65 in the rightward direction, the EPG data or whole cursor display, 65 moves to an adjacent program display area, which is indicated by a dashed line frame which is equivalent to a predetermined point. Even if Applicant disagrees with Examiner's interpretation of the predetermined point, Nagasaka et al. clearly discloses predetermined point on paragraphs 0362 and 0404 (In this usual scrolling processing, the screen moves in a predetermined direction on the basis of the finger position of the operator on the sheet switch 110 (on the panel 84) (i.e., on the basis of the touch signal)). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Inoue's invention with the above mentioned limitation as taught by Nagasaka et al. for the advantage of moving the program guide table range on the program table. Applicants proposed amendment discussed during the personal interview on April 28, 2009 is more specific to the claim limitations and will overcome the Inoue reference. Applicant's arguments are not persuasive and the finality of the last office action is proper and maintained.